

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22781 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- BELA District- Sitamarhi

Gulab Miyan @ Gulab Nadaf Son of Lal Baboo Nadaf @ Lal Babu Resident
of Village - Bhalhi, Ward No.- 13, P.S.- Bathana, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bela P.S. Case No. 127 of 2020 lodged under Section 395 of the
Indian Penal Code read with Section 3/4 of the Explosive
Substance Act.

As per the prosecution case, the allegation against the
petitioner is that informant was sleeping on the second floor of
his house, then in the night few miscreants entered into the
house and started breaking the doors. It has been alleged that the
accused persons have kept Rs.6,00,000/-, 5 Tola Gold and
Silver, Laptop and one Mobile. It has been alleged that niece of

the informant saw some of the miscreants and informed that they are painter who painted the house one and half month's back. When alarm was raised all accused exploded bomb and fled away on the basis of which the present F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is not the painter rather he is basically a labour. He also submits that his name has figured in this case due to the confessional statement of the co-accused namely Babujan Nadaf and Sabdul Nadaf. He further submits that no TIP has taken place in the present case nor any incriminating material has been recovered from the possession of petitioner. He further submits that petitioner is in custody since 30.11.2021, chargesheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are in total 6 criminal cases of similar nature with same Police Station pending against him but he submits that in all cases he is on bail. So far as present case is concerned there is absolutely no involvement surfaced against him in the present case. Learned counsel for the petitioner also submits that petitioner is ready to furnish the bail bond and also ready to

fulfill all the conditions whatsoever, shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that from the record it transpires that the petitioner is habitual offender.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (Sadar), Sitamarhi in connection with Bela P.S. Case No. 127 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice, from the record it transpires that there are in total 7 criminal cases (including present one) pending against present petitioner, all are similar in nature and belongs to District and Sessions Division, Sitamarhi which are as follows :- **(1)** Bela Thana P.S. Case No. 125 of 2020, **(2)** Bela Thana P.S. Case No. 30 of 2021, **(3)** Bela Thana P.S. Case No. 113 of 2021, **(4)** Bela Thana P.S. Case No. 177 of 2021, **(5)** Bela Thana P.S. Case No. 279 of 2017, **(6)** Bela Thana P.S. Case No. 207 of 2017 & **(7)** Bela Thana P.S. Case No. 127 of 2020. Some cases are magisterial triable and some cases are session triable.

The District and Session Judge, Sitamarhi is directed to do the needful so that all the cases named above shall run before one Magistrate with same date prior to commitment and one Session Court with same date after commitment as the case may be.

Office is directed to send a copy of this order to the District and Sessions Judge, Sitamarhi for perusal and necessary

compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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